

Application No.: 10/748026

Case No.: 59487US002

REMARKS

Reconsideration of the application is requested.

Status of Claims

Claims 1 to 12 are pending. Claim 12 is amended. No claims are added, canceled, or withdrawn.

§112 Rejection

Claim 12 stands rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 12 is amended to refer to the barrier rather than secondary backing when defining the position of the secondary backing. The correction is clear from context. In addition, antecedent basis is found at page 4, lines 23-24. Accordingly no new matter is introduced by the amendment.

In view of this amendment, Applicants respectfully submit that the rejection under 35 USC §112, second paragraph, has been overcome, and request that the rejection be withdrawn.

§102 Rejections

Claims 1-4 and 6-10 stand rejected under 35 USC § 102(b) as anticipated by Ucci.

Among other features, carpets of the invention comprise face yarns or fibers of which “substantially the entire surface of [which] is not encased within ... said barrier or said backing is hydrophobic. The fibers of the carpets disclosed in Ucci do not meet this element.

Ucci discloses fibers that are “coated with an effective amount of a fluorochemical suitable to improve the soil resistance of the carpet” (col. 2, lines 32-33 and 67-69). The reference teaches that the fibers are coated via spraying and spin finish techniques. Such methods yield fibers that with discontinuous deposits of hydrophobic material across the surface thereof. The methods do not yield fibers that are hydrophobic across substantially the entire surface of the fiber. Thus, the

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reference does not meet the recitation that "substantially the entire surface of the said face yarn which is not encased within at least one of said barrier or said backing is hydrophobic".

Furthermore, Ucci does not teach that the backing is both impervious and hydrophobic. In applicant's invention, the barrier is both impervious and hydrophobic.

Applicants respectfully submit that the rejection of claims 1-4 and 6-10 under 35 USC §102(b) as being anticipated has been overcome and should be withdrawn.

§103 Rejections

Three essential elements of the present invention are that the carpet construction comprises a backing which is (1) impermeable and (2) hydrophobic and that (3) substantially the entire surface of the face yarns, i.e., fibers, is hydrophobic. Applicants have discovered that carpet constructions possessing all three of these attributes provide unexpectedly superior spill control and resistance to staining and odor formation. None of the references, taken alone or in combination discloses carpet constructions possessing all of these attributes.

Claims 1-5 and 10-12 stand rejected under 35 USC § 103(a) as being unpatentable over Irwin, Sr.

The constructions disclosed in this reference lack at least two of the essential attributes of the present invention. The reference does not disclose that the backing is hydrophobic or that substantially the entire exposed portion of the fibers of the yarn pile is hydrophobic.

Accordingly, Applicants respectfully submit that the rejection of claims 1-5 and 10-12 under 35 USC § 103(a) is overcome.

Claim 9 stands rejected under 35 USC § 103(a) as being unpatentable over Irwin, Sr. in view of Ucci.

As discussed above, the primary reference Irwin, Sr. is deficient in that it does not disclose at least two essential elements of the invention, i.e., that the backing be hydrophobic and that substantially the entire exposed portion of the fibers of the yarn pile be hydrophobic.

Secondary reference Ucci cannot cure the deficiency of the primary reference because as discussed above Ucci does not disclose hydrophobic backings.

In view of this understanding of the limited disclosure of the references, Applicants respectfully submit that the rejection of claim 9 under 35 USC § 103(a) is overcome.

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Withdrawal of the rejections for obviousness is respectfully requested.

Conclusion

In view of the above, it is submitted that the application is in condition for allowance.
Allowance of claims 1-12, as amended, at an early date is solicited.

Respectfully submitted,

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Date

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